

## REMARKS

Claims 1-4, 25-27, 37, 49 and 55-67 are pending in the present application.

Claim 4 has been amended to independent form.

Claims 5-24, 28-36, 38-48 and 50-54 are cancelled.

Claims 1-3, 25-27, 37, 49, 55-57 and 59-60 are amended to ultimately depend from claim 4.

Claims 61-67 are newly entered claims. No new matter is entered as a result of the amendments.

Claim 4 is now the sole independent claim and all other claims ultimately depend therefrom.

Reconsideration on the merits is respectfully requested.

The claims are believed to be allowable for the reasons set forth herein. Notice thereof is respectfully requested.

### Claim Rejections under 35 USC § 112

Claims 37-48 and 55-60 are rejected 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 has been amended to more particularly point out and distinctly claim the subject matter.

Claims 38-48 are cancelled.

Claims 55-60 are rejected for lacking antecedent support.

Claims 55-60 are amended.

The rejection of claims 37-48 and 55-60 35 U.S.C. 112, second paragraph, is rendered moot by amendment or cancellation.

#### Claim Rejections under 35 USC § 102

Claims 1-24 and 37-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Hell et al. (US 2001/0007352).

Claims 5-24 and 38-42 are cancelled thereby rendering the rejection of these claims moot.

Claim 4 is amended and is now the sole independent claim.

Hell et al. is cited as disclosing an optical memory plate. Claim 4 and claims dependent thereon set forth a method for recording an image on an optical memory plate. Hell et al. fails to recite any method similar to that disclosed. Hell et al. only recites exposing with X-radiation which forms an erasable image and therefore does not function as an optical memory plate or

lead one of skill in the art to contemplate using the plate of Hell et al. as an optical memory plate.

The rejection of claims 1-24 and 37-42 under 35 U.S.C. 102(b) as being anticipated by Hell et al. is traversed and rendered moot by amendment.

#### Claim Rejections under 35 USC § 103

Claims 25-36, 43-51 and 58-60 are rejected 35 U.S.C. 103(a) as being unpatentable over Hell et al. in view of Nakamura et al. (US 5,540,859).

Claims 28-36, 43-48, 50 and 51 are cancelled and all rejections directed thereto are moot.

Claims 25, 27, 49 and 58-60 are method claims directed to a method for recording data on an optical memory plate which, by definition, is a permanent image. As set forth previously Hell et al. is specific to forming an image with x-radiation which forms a stimulation releasable image. One of skill in the art would not consider the teachings of Hell et al. to be related to an optical memory plate and a method for forming images thereon.

Nakamura et al., like Hell et al., describes a method for forming an image with x-radiation and then reading that image by

exposure to a stimulating radiation. During the reading the image is released from the plate. One of skill in the art would not consider the teachings of two x-radiation storage panels to provide any guidance for an optical memory plate. More specifically, Nakamura et al. does not augment Hell et al. with regards to any method by which a permanent image could be formed on an optical memory plate.

The rejection of claims 25-36, 43-51 and 58-60 under 35 U.S.C. 103(a) as being unpatentable over Hell et al. in view of Nakamura et al. is improper due to a failure of the combined references to teach the claimed method.

Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hell et al. in view of Akselrod et al. (US 2004/0159803).

Claims 52-54 are canceled and all rejections directed thereto are moot.

Claims 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hell et al.

Hell et al. is cited as disclosing the claimed invention except for failing to specify the use of the same wavelength radiation to read-out data and to inscribe the data. Applicants agree with this failure in the teachings of Hell et al. The Office further opines that one of skill in the art would find it obvious to modify Hell et al. in order to provide an apparatus using a single light source for convenience. Applicants strongly disagree with this characterization.

Hell et al. teaches image capture by exposing the plate to x-radiation. This image is not permanent and is released by exposure to a lower energy radiation. If one attempted to release the image with x-radiation the only result would be to accumulate more radiation to the point of saturation. The radiation used to release the image does not form an image. Therefore, Hell et al. teaches one radiation which is stored without releasing an image and a second, lower energy, radiation which releases a previously stored image but which does not itself form a storage image. Based on this teaching one would not expect any energy to do both functions. Even if one did contemplate such a single energy source they would not expect that energy to form a permanent image and therefore would not

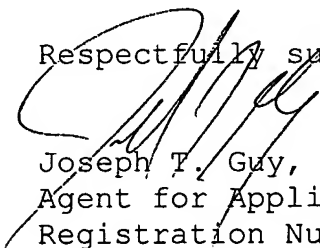
optical memory plate as set forth in the claims. Such a conclusion can only be made in hindsight based on the present application.

The rejection of claims 55-57 under 35 U.S.C. 103(a) as being unpatentable over Hell et al. is based solely on a hindsight reconstruction. The rejection is improper and withdrawal is respectfully requested.

#### CONCLUSIONS

Claims 1-4, 25-27, 37, 49 and 55-67 are pending in the present application. All claims are believed to be in condition for allowance. Notice thereof is respectfully requested.

Respectfully submitted,



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